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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,903	06/24/2003	Darrell L. Metz	8266-1084	2178

7590 12/20/2004

Intellectual Property Group  
Bose McKinney & Evans LLP  
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Indianapolis, IN 46204

EXAMINER
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RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,903

Applicant(s)

METZ ET AL.

Examiner

RAMON O. RAMIREZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Continued Prosecution Application*

The request filed on Nov 26, 2004 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 10/602,903 is acceptable and a CPA has been established. A first action on the CPA follows. The application contains 20 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Claim Rejections - 35 USC § 103*

Claims 1-4, 7, 8, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims et al. (4,945,592) in view of Jost et al. (4,905,944) and Kinder (5,678,267).

Sims shows a hospital bed comprising a frame, a plurality of casters supporting the frame, a patient support surface coupled to the frame, the patient support surface having a first end, a second end, and opposing first and second sides each extending between the first end and the second end, a first handle (38,40) positioned adjacent the first end and the first side of the patient support surface, and a first coupler (28) configured to operably couple the first handle to the frame. The handle is supported for pivoting movement about a vertical axis of rotation to permit a caregiver to apply a moving force to the patient support. While not shown, Sims discloses in column 4, lines 8-11 that the bed comprises two connections (16), one on either side of the same end of the bed, therefore it is inherent that two handles with the same configurations can be attached to

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the bed at the same time and therefore only one handle will be discussed in detail since it is to be understood that the second handle will have the same structure. Sims, however, does not show a handle with a movable grip. Jost shows a handle (10) with a grip portion (70) coupled to the handle, and an accessory (12) coupled to the handle. The handle includes an outer telescoping member and the accessory includes an inner telescoping member, which is movable relative to the outer telescoping member to adjust a position of the inner telescoping member relative to the handle. The grip portion (70) is supported for vertical sliding movement and for rotational movement relative to the handle. A stop (16) is coupled to the outer telescoping member, the stop defining a limit for movement of the grip portion. The accessory comprises an IV pole and further comprises an infusion pump coupled to the IV pole.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced one known handle/IV pole (12) as taught by Sims with another well known handle/IV pole as taught by Jost in order to be able to easily adjust the vertical positioning of the grip and IV pole.

The patent to Kinder discloses a medical examination table comprising vertical members (18) having a gripping portion (28B) concentrically coupled to said vertical members. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device set forth above with a gripping portion concentrically coupled to the handle to ease in the gripping process.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims et al. (4,945,592) in view of Jost et al. (4,905,944), Kinder (5,678,267) and further in view of Dennis (4,886,237). Sims and Jost combined show all features claimed by the applicant's invention including a body (Sims "18") coupled to the handle, the coupler (Sims "28") being configured to couple the body to the frame for pivotable movement about an axis of rotation, but does not however show a latch configured to lock the body in place. Dennis shows a body (20), which attaches a handle/IV pole to a bed frame with a coupler, or clutch (pivotal mounting in center of bracket "11"), which is configured to couple the body to the frame, hold the body in a desired position with respect to the frame and permits movement of the body relative to the frame when a predetermined force is applied to the body. Dennis comprises a latch (15) configured to lock the body selectively in one of a plurality of different positions relative to the frame. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced one well known pivoting attachment system (Sims "18" and "28") as taught by Sims and Jost combined, with another well-known pivoting attachment system ("20" and "11") as taught by Dennis, in order to allow the handle/IV pole to be locked in place.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sims et al. (4,945,592) in view of Jost et al. (4,905,944), Kinder (5,678,267) and further in view of Wadley (5,556,065). Sims and Jost show all features claimed by the applicant's invention but do not however show one of the accessories being an oxygen tank holder.

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Handles and IV pole in hospitals are known to have many different types of accessories attached to them so this is the applicant's engineering choice.

Wadley is used to show a handle (96) with many accessories including an oxygen tank holder, which comprises a coupler (110) and an oxygen tank support ("106" and "112") coupled to the coupler, the oxygen tank support being configured to receive and support an oxygen tank (115). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an oxygen tank support as one of the accessories as taught by Wadley on the handle/IV pole taught by Sims and Jost combined as a matter of design choice and medical needs in the hospital.

*Allowable Subject Matter*

Claims 10-16 are allowed.

*Response to Arguments*

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the claims as amended overcome the art of record because of the new limitation of "a grip portion concentrically coupled to the handles". This is met by the new reference to Kinder, which shows a grip portion concentrically coupled to a vertical member. This teaching can be applied to any vertical member.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuntz (2004/0080137 A1) and Thomas (2004/0245734 A1) show gripping portion shaped similar to the one disclosed here.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (703) 308-0748. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A shortened period for response to this Office Action expires **THREE MONTHS**  
from the mailing date of this action.

A handwritten signature in black ink, appearing to read 'Ramon O. Ramirez', with a large, stylized flourish at the end.

RAMON O. RAMIREZ  
Primary Examiner  
Art Unit 3632

ROR  
December 15, 2004